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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,424	06/29/2001	Don A. Andrews	010134	8968
23696	7590	09/16/2004	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			LIN, WEN TAI	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,424

Applicant(s)

ANDREWS ET AL.

Examiner

Wen-Tai Lin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2001 and 25 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/25/02
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Wen-Tai Lin
9/15/04

DETAILED ACTION

1. Claims 1-29 are presented for examination.
2. The drawings filed on 1/16/2002 are objected to because Fig.4A is inconsistent with the description at page 8, lines 12-18 of the specification, wherein numerals 412, 413 and 416 are missing from the correspondent figure (i.e., Fig.4A). It is noted that Applicant's specification appears to be based on the drawing set filed on 6/29/2001, which was updated to the current drawing version due to oversize of some of the figures. It is instrumental, however, that the current description texts (e.g., page 8, line 3 – page 10, line 7) must be consistent with the drawings (e.g., Figs. 4A- 4B) so as to enable the claimed subject matter.
3. The specification is objected to because the phrase “the Session Management Protocol (SMP)” and “the failed protocol configuration indication” at page 3, lines 9-10 appear to lack antecedent basis. Furthermore, the word “It” at page 3, line 10 appears to be a typo of “If”.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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- a. The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-29 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. As to claims 1-29, it is not clear what is meant by "protocol" because the specification and the claim languages have been doubly referring the same word to two different things. On one hand, Applicant seems to have adopted the conventional definition of protocol, which has been typically perceived as a set of conventions or rules that govern the format and relative timing of message exchange between two communication terminals [see page 882 of "The Authoritative Dictionary of IEEE Standards Terms", 7th Edition]. For example, at page 4, lines 24-25, Applicant uses the protocol in a conventional sense in the sentence "It stores protocols ...", but at page 4, line 32, "When at least one protocol in the AT transmits a request message ..." the protocol seems to possess execution capability that it is able to proactively transmit a request message. Although Applicant does set aside a group of "protocols" that are able to perform some function of the access terminal and referring it as "answering protocol" (see page 2, lines 21-24), it is rather confusing, however, by using the single word "protocol" for potentially two different meanings. For example, claim 25, lines 8-9 requiring "receiving all notice from all protocols within the access terminal" would necessarily require a conventional protocol (e.g., any protocol in the protocol stack) to

also act as an “answering protocol”, unless Applicant assures that there is no such protocol existed in the access terminal.

It is noted that the aforementioned examples are not exhaustive. Applicant is reminded to correct all incidences, including the specification and the claim languages, where the word “protocol” is not precisely defined, as required by U.S.C. 112 second paragraph.

7. As to claims 1-16, it is not clear what is meant by: (i) initializing a session configuration protocol (claim 1, line 6) and (ii) initializing at least one other protocol (claim 1, line 14).

Specifically, the word “protocol” is being typically perceived as a set of conventions or rules that govern the format and relative timing of message exchange between two communication terminals [see page 882 of “The Authoritative Dictionary of IEEE Standards Terms”, 7th Edition]. Note that Applicant appears to also adopt this conventional definition in the specification as well as part of the claim languages when it comes to phrases such as “network protocol stack” (see claim 1, line 4). Based on this definition, it makes no sense to initialize a protocol (i.e., a set of conventions or rules) because any change from that set would result in another protocol. Although one may interpret the word “protocol” in (i) and (ii) as a parameter or some entity that possesses execution capability, however it would then allows two different definitions for the same word in the same claim language, which would ultimately render the claims indefinite.

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Alternatively, Applicant might argue that (1) the term “session configuration protocol” is meant to be “Session Configuration Protocol (SCP)” as derived from page 1, lines 25-26 of the specification and that the phrase “initializing a session configuration protocol” is congruent with step 305 of Figure 3; and (2) the phrase “initializing at least one other protocol” is meant to be initializing a non-SCP protocol, which is congruent with step 330 of Figure 3. In this scenario, it is found that steps (b) – (d) of claim 1 is redundant to step (a) of claim 1 because Applicant indicated in the specification that the initialization step 305 comprises steps 310, 315, 320 and 325 (see page 6, lines 10-13), wherein steps 310, 315, 320 and 325 are equivalent to steps (b) – (d) of claim 1.

Correction/Clarification is required in response to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (703)305-4875. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)872-9306 for official communications; and

(703)746-5516 for status inquires draft communication.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Wen-Tai Lin

September 15, 2004

Allen Jan F.
9/15/04